

# Notice of Allowability

Application No.

09/402,472

Examiner

Marc Jimenez

Applicant(s)

CELERIER ET AL.

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed 5/24/04.
2. ☒ The allowed claim(s) is/are 8-11, 13-16, 18 and 19.
3. ☒ The drawings filed on 30 November 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Marc Jimenez  
AU 3726  
9/3/04

### REASONS FOR ALLOWANCE

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chris Ward on 9/2/04.

The application has been amended as follows:

**In the claim:**

Claim 8 (Amended): An exhaust device for an internal combustion engine, said exhaust device comprising: a measuring transducer configured to analyze a flow of exhaust gases from the engine; and a pipe element adapted to carry the flow of exhaust gases from the engine, said pipe element having an integral housing in which said measuring transducer is mounted, said housing [including] having a threaded hole extending through a bush extending only through a wall of said pipe element, [wherein] said bush [has] having an interior portion and an exterior portion, said interior portion extending further within an interior of said pipe element than said exterior portion extends beyond an exterior of said pipe element.

2. The following is an examiner's statement of reasons for allowance:

Applicant's arguments in the appeal brief filed 5/24/04 are persuasive in overcoming the prior art rejections.

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It is agreed that the secondary references to Feher (3,429,171) and Olson (5,984,138) relate to nonanalogous art because Feher is directed to flow drilling sheet metal **70** wherein screws **106** are attached to flow drilled bosses **78** and Olson is directed to creating flow drilled bosses **46** without threads where couplings **50** are connected. The instant invention is directed to an exhaust device for an internal combustion engine having a measuring transducer configured to analyze a flow of exhaust gases from the engine which the Feher and Olson references do not teach. Therefore, there would be no motivation to combine Reed (4,526,672) with Feher and Olson.

It is noted that newly cited reference GB 2,227,536 to Duncan teaches in fig. 5, a flow drilled and threaded boss **33** having an interior portion that extends further within the pipe **31** than an exterior portion extends beyond the exterior of the pipe, however, Duncan is directed to gas cooking appliances and is therefore nonanalogous art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (703) 306-5965. The examiner can normally be reached on Monday-Friday between 5:30 a.m.-2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

A handwritten signature in black ink, reading "Marc Jimenez". The signature is fluid and cursive, with the first name "Marc" and last name "Jimenez" clearly distinguishable.

Marc Jimenez  
Patent Examiner  
AU 3726

**MJ**

September 3, 2004